

HOWARD ROSENBERG

'Guilt or Innocence': Trial or

The man who is serving a 99-year sentence for the murder of the most celebrated civil rights leader of our time faces America, a silvery, spike-haired, passive figure with folded hands. His body, in prison grays, is relaxed. His gaze, through eye-glasses with dark frames, is flat. Except for a trace of a grimace, his face is clueless, expressionless, revealing nothing.

"On the Fourth of April, 1968, at approximately 6:01 in the afternoon, did you fire, shoot at and murder Martin Luther King Jr.?"

"No, I didn't."

At age 64, James Earl Ray is finally getting the public trial he's been seeking for more than 24 years. Real judge. Real lawyers. Real jury. Real courtroom. Real witnesses. Real testimony.

On television.

But the jury's decision that will be announced at the conclusion of "Guilt or Innocence: The Trial of James Earl Ray"—airing at 8 p.m. Sunday on HBO—will be binding only on public opinion. A guilty verdict will speak for itself. Yet even if "acquitted" by these 12 hired-for-TV jurors, Ray would remain in Nashville's Riverbend Maximum Security Institution.

Like Ross Perot and President Clinton, though, Ray is using television to take his case directly to the people. His conventional legal options apparently exhausted, Ray is hoping a favorable verdict here will win public support for the actual jury trial that he's been denied ever since withdrawing his original guilty plea in March, 1969.

This isn't cable's Court TV, which beams actual criminal trials into America's households. Nor is it "The Judge," "Divorce Court" or any other comically phony courtroom series. Airing on the 25th anniversary of King's murder, Sunday's largely tedious three-hour special is a blending of the authentic and the artificial, further obscuring the line on TV separating what's real and what isn't.

Controversial figures, from Lee

Harvey Oswald to Alger Hiss to Bernhard Goetz, have had their days in TV's mock courtrooms. And a tabloid series gave that media asteroid Amy Fisher a mock trial recently. Unlike these, however, "The Trial of James Earl Ray" features no professional actors. And unlike a similar HBO program on Kurt Waldheim's alleged war crimes—produced by the same British documentary maker, Jack Saltman, who guides "The Trial of James Earl Ray"—the imprisoned subject of this event is as real as its other participants, appearing in an actual Memphis courtroom through a satellite hookup to Riverbend.

Presiding over the trial is Marvin E. Frankel, former U.S. District Court judge for New York. The prosecutor is W. Hickman Ewing, former U.S. attorney for the Western District of Tennessee. Representing Ray is his actual attorney, William F. Pepper (who pitched the idea for the trial to HBO). The jurors, many of whom take notes during the trial, were selected from three states.

And everything on the screen, we're assured, is unscripted.

Despite all these accouterments of reality, however, what you see is *not* a real trial. For one thing, there's a voice-over commentary from Charlayne Hunter-Gault of "The MacNeil/Lehrer NewsHour" on PBS. For another, the three hours that viewers will see are a mere sliver of the actual testimony, which HBO says took 10 days to tape. Ray alone was questioned and cross-examined on camera for more than five hours. The special—edited "in conjunction with" attorneys for both sides—grants him about a half hour.

No matter how skilled or honest the editing, it's impossible to compress an event so severely without dramatically altering its reality. Thus, the truncated Ray trial seen by viewers is much narrower than the one observed by its jury.

One also has to wonder about the

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impact of makeup and microphones, and of TV's presence in general. It's almost a given that the behavior of witnesses and the perceptions of jurors—to say nothing of their concentration—would be affected by the presence of cameras either in their faces or looking over their shoulders. That's in contrast to real televised trials in which a single stationary camera is nobtrusively deployed at the rear of the courtroom.

What will the jurors decide? The bigger question is whether anyone will be awake to hear.

If deformed in other areas, the special does reek of the monotony that typifies most trials. Smart viewers will do their own editing and skip the deadly first hour (it's only a show, after all) and tune in for Ray's testimony and the defense. Ray is hardly electrifying. But at least his presence resonates history, and you can't help angrily measuring him against King, whom he is said to have shot with a high-powered rifle from the window of a flophouse as the great black leader stood with associates on the balcony of the Lorraine Motel in Memphis.

TV REVIEW

'River' Shows Drama of King, Memphis Strike

The 25th anniversary of Martin Luther King Jr.'s assassination Sunday will inspire various sentiments, spurts of memory and more than a few TV specials, but "At the River I Stand" (at 11 p.m. Sunday on KCET-TV Channel 28) puts King's cruel felling in Memphis on April 4, 1968, into a profound context.

What brought King to Memphis was a spiral of events that had the superhuman momentum of a revolution.

Memphis sanitation workers, suffering under brutal conditions and earning wages low enough to qualify them for welfare, staged a February, 1968, walkout when two workers were accidentally killed in a truck's trash compactor. It had been six years since T. O. Jones had tried to organize his fellow workers into a union, and now, it seemed possible.

Filmmakers David Appleby, Dr. Allison Graham and Steven John Ross intercut a raft of

period news footage with fresh interviews with many of the witnesses to the Memphis sea-change, and despite Paul Winfield's subdued narration, you can feel the waves of this sea-change coming at you.

Remarkably, considering that the civil rights movement had long before established itself and won major social victories, it wasn't quite the force to move its opponents—personified here by Memphis Mayor Henry Loeb—who remained arrogantly intransigent.

Loeb, a colleague says, had "a plantation mentality," but the benign dictatorship this implies turned crude and bloody as support grew for the sanitation workers. The film shows that, had Loeb agreed to the workers' demands to organize, King would never have needed to come to Memphis to lead a mass march. When that march turned violent and beyond King's control, Memphis became a national battleground: Would established

white power create a kind of police state, and would King's nonviolent dream turn into a nightmare?

The famous "I've been to the mountaintop" speech becomes something much more than a sample of flowing King oration in "At the River I Stand." It is arguably an even greater speech (shown here at great length) than his "I have a dream" masterpiece because, in Memphis, King was responding to a spontaneous movement of poor people, and connecting with previously untapped levels of passion. It was the *unorganized* nature of events that saw King rise to one of his greatest hours, and probably led to his death.

The combination of the Rev. Harold Middlebrook's superbly reflective comments, King's funeral and the workers' rapid victory ends the film on a note of sad triumph, of exuberant loss, the complex emotions of a nation finding its way.

—ROBERT KOEHLER

Ray repeats his off-stated story that the murder weapon traced to him was one he bought at the behest of a mystery man named Raoul, and that he wasn't told what it would be used for. He maintains, again, that he never stalked King across the country and that his original, later-recanted confession was coerced. Ewing's edited cross-examination is brisk, but not penetrating.

Amid an onslaught of forensic reports and other arid testimony, some other moments stand out:

Journalist Earl Caldwell testifies that he saw a man crouching in the bushes near the Lorraine Motel about the time King was shot. That account generally matches those of other witnesses to the shooting who have said their stories were never checked out by the FBI.

Former FBI agent Arthur Mur-

tagh breaks down briefly and cries while testifying that the bureau had been systematically fabricating stories to "denigrate King's character" before his death. The implication, one voiced in the past by Murtagh and others, is that the J. Edgar Hoover-led FBI conspired to assassinate King. In the trial, Murtagh claims to have evidence that the FBI was part of a "plot" to kill King, even though it didn't

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actually pull the trigger. He is not asked to state his evidence.

Meanwhile, some other questions remain unanswered. Is this, as its backers claim, really the most thorough probe of the King

murder to date? Or, as skeptics might argue, is it impossible for something as inherently synthetic as a tailored-for-TV trial to ever mount a serious investigation that elevates truth over entertainment?